



**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE  
MEXICO: SUPPORT FOR LAW SCHOOLS, BAR ASSOCIATIONS  
AND JUDICIAL EXCHANGES PROGRAM  
QUARTERLY REPORT  
CY 2010, QUARTER #3  
NARRATIVE  
AID-523-10-A-00001**

## **A. INTRODUCTION**

Together with the enclosed results matrix, this is the first Quarterly Report of the *Support For Law Schools, Bar Associations And Judicial Exchanges In Mexico Program* ("Program") funded by the United States Agency for International Development ("USAID"). The report includes Program background, personnel updates, and a results summary; as well as activity details in the accompanying table.

Please note that for reporting purposes this quarter, the Program is using the work plan as submitted to USAID for final approval (pending) on October 29, 2010.

### **Executive Summary**

The implementation of the work plan during the current reporting period primarily consisted of startup activities such as: i) completing the initial administrative tasks necessary for the operation of the Program, and (ii) laying the foundation upon which to achieve the Program's expected substantive results.

Initial administrative tasks completed this quarter include the successful incorporation and registration of a local not-for-profit entity under the name *American Bar Association Rule of Law Initiative, A.C.* This allowed the Program to lease office space in Mexico City, which the Program will occupy early in the next quarter.<sup>1</sup> The Program has also retained local staff, including a Deputy Country Director and a Field Financial Manager.

Foundational programmatic activities completed this quarter include: (a) initiation of formal contacts with a number of law schools, bar associations and other members of civil society in the priority regions of the country for potential inclusion of these institutions in the Program's Working Group; (b) the recruitment of experts and coordination for the implementation of the assessment tools, the Legal Education Reform Index ("LERI") and the Legal Profession Reform Index ("LPRI"); and (c) development of the Sister Courthouse activity and preparation for a pilot visit by 14 Mexican judges to San Diego as part of this activity.<sup>2</sup> Finally, meetings were held this quarter with staff and the Chief of Party of Management Systems International in order to

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<sup>1</sup> Fortuitously, this office is located in the same building as USAID's lead rule of law contractor, Management Systems International.

<sup>2</sup> ABA ROLI financed the pilot visit as a part of its cost share requirement.

coordinate the Program's activities with those performed by other USAID partners to facilitate high impact and sustainable results.

## **Program Background**

The Program, supported by a USAID cooperative agreement awarded on June 3, 2010, aims to work closely with the Mexican justice sector to 1) create a sustainable mechanism to alleviate state and federal government burden of retraining current and future justice operators in the new criminal justice system, and 2) enhance the ability of attorneys and judges to effectively and efficiently litigate and adjudicate cases, protect individual rights with appropriate accountability, and implement reforms effectively and rapidly.

The Mexican justice sector is at a critical juncture in its implementation of the accusatorial system. As is typical of such transitions, it has achieved notable successes while also encountering obstacles. In order to help ensure a truly effective implementation of the system going forward, the Program has a substantial role to play in ensuring that the justice sector members truly understand the accusatorial system and actively support it.

The Program will support the Mexican justice sector in its transition to an accusatorial legal system by:

- Establishing a working group to promote local ownership of reforms and training;
- Supporting bar associations via:
  - Conducting an assessment of the legal profession to serve as the basis for recommendations for reform;
  - Training on skills for the oral, adversarial system; and
  - Leading a bar association study tour.
- Supporting law schools via:
  - Conducting an assessment of the legal education to serve as the basis for recommendations for reform;
  - Training on skills for the oral, adversarial system; and
  - Leading a law school study tour.
- Conducting judicial exchanges via:
  - Supporting professional peer exchanges, including Sister Courthouses; and
  - Awarding a follow-on subgrant to improve implementation.

## **Personnel**

Resident Program staff includes the Deputy Director, Mr. Alonso González-Villalobos, on board full-time since August 2010; and the Field Financial Manager, Ms. Gabriela Cruz-Ortiz, who formally joined the Program on October 4, 2010. Director candidates are being recruited and three finalists have been interviewed. The Program plans to fill the post as soon as possible. The Program also intends to open one or two intern positions to provide research and programmatic support as soon as the office is operational.

The Program is supported in Washington, D.C. by Michael McCullough, Division Director for Latin America and the Caribbean ("LAC"); Tom Hare, Program Manager for LAC; Jeremy Biddle, Program Officer for LAC; and Adriana Courembis, Administrative Assistant for LAC.

## B. RESULTS SUMMARY

### **Working Group for Legal Education & Legal Profession Reform**

The creation of a Working Group to serve as an institutional advisor is a cornerstone of the Program, geared towards encouraging buy-in from local counterparts and the sustainability of the Program's activities. Reaching out to key counterparts that can support the Program's goals has therefore been a priority activity this quarter.

This quarter the Program has initiated formal contact via in-person meetings with the following institutions:

a) In Mexico City:

1. *Escuela Libre de Derecho;*
2. *Universidad Panamericana;*
3. *Centro de Investigación y Docencia Económica ("CIDE");*
4. *Universidad Nacional Autónoma de México ("UNAM");*
5. *Universidad La Salle;*
6. *Instituto Tecnológico y de Estudios Superiores de Monterrey ("ITESM");*
7. *Ilustre y Nacional Colegio de Abogados;*
8. *Barra Mexicana, Colegio de Abogados; and*
9. *Asociación Nacional de Abogados de Empresa.*

b) In Baja California:

1. *Universidad Autónoma de Baja California;*
2. *Centro de Enseñanza Técnica Superior ("CETYS");*
3. *Universidad Iberoamericana;*
4. *Federación Estatal de Colegios, Barras y Asociaciones de Abogados de Baja California;*
5. *Secretaría de Educación Pública del Gobierno de Baja California; and*
6. *Comisión Interinstitucional de Implementación del Nuevo Sistema de Justicia Penal.*

c) In Chihuahua:

1. *Universidad Autónoma de Ciudad Juárez;*
2. *Tec de Monterrey;*
3. *Universidad Autónoma de Chihuahua;*
4. *Barra y Colegio de Abogados de Ciudad Juárez; and*
5. *Capítulo Chihuahua de la Barra Mexicana, Colegio de Abogados.*

- d) In Jalisco:
  - 1. *Universidad Panamericana*;
  - 2. *Universidad de Guadalajara*; and
  - 3. *Capítulo Jalisco Barra Mexicana Colegio de Abogados*.<sup>3</sup>
- e) In Yucatán:
  - 1. *Universidad Anáhuac del Mayab*; and
  - 2. *Colegio de Abogados de Yucatán*.
- f) In Nuevo León:
  - 1. *Centro de Estudios sobre la Enseñanza y Aprendizaje del Derecho*.

From the outset the Program reached out to and has maintained contact with (i) the Mexican Federal Judiciary Council, (ii) the Attorney General's Office, and (iii) the Technical Secretariat of the Commission responsible for the implementation of the federal reform, the governmental body responsible for coordinating all activities tied to the implementation of the accusatorial system, led by Mr. Felipe Borrego. Similar efforts have taken place vis-à-vis the state commissions responsible for the implementation of the reform in Baja California and Chihuahua.

As of the close of the current quarter the Program had made arrangements to visit counterparts in Jalisco and Yucatán. However, as per USAID's written request made on October 15, 2010, the Program will focus its activities on states where USAID's Rule of Law ("ROL") mission has a strategic focus: Baja California, Chihuahua, Nuevo León, Durango, Hidalgo, Morelos and Oaxaca. The Program has initiated contact with relevant institutions in Nuevo León, Durango, Hidalgo, Morelos and Oaxaca, relationships that will be bolstered in the coming quarter. As for USAID's request to limit Program involvement in Jalisco and Yucatan, the Program will search for alternative arrangements to maintain contact with them while simultaneously minimizing the budgetary impact of such relationships.

During the next quarter, and prior to extending a formal invitation to potential Working Group members, the Program will send a list of proposed participants to USAID for its review and approval. In determining the size of the Working Group, the Program will carefully balance considerations of manageability in debate and decision-making processes.

The first formal meeting of the Working Group is scheduled to take place in late November 2010. At that time, the Program will brief members on its work plan and appoint an Executive Committee to coordinate on a more regular basis to discuss issues of programmatic import.

The Program will establish its website during the next quarter to serve as a tool to better disseminate its activities among relevant stakeholders in a cost-efficient manner.

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<sup>3</sup> This quarter, conference calls were held with representatives of the Guadalajara counterparts, with whom the Program had arranged to meet in person in late November. However, at the request of USAID we have cancelled such in-person visits until further notice.



Finally, at USAID's invitation, the Program Deputy Director and ABA ROLI LAC Division Director Michael McCullough attended a conference ("Rule of Law and the Drug Trade: Challenges and Implications in Mexico and the U.S.") at Emory University in Atlanta from September 29 – October 1. Program staff had the opportunity to enhance outreach efforts and direct dialogue with various USAID Training, Internships, Exchanges, and Scholarships ("TIES") partners. The Program was also invited to participate as speakers and roundtable participants at two seminars: the National Seminar on Fraud and Corruption in Guadalajara, Jalisco in late August, 2010, as well as at the Seminar on Public Security and Human Rights in Cuernavaca, Morelos in early September 2010.

### **Support for Bar Associations**

#### ***Legal Profession Reform Index***

Initial steps have been taken to implement ABA ROLI's *Legal Profession Reform Index* ("LPRI"). The Program has actively pursued various candidates from highly respected Mexican institutions both involved in legal profession reform efforts and capable of adapting the Program's research tools to the Mexican context. These institutions include the *Centro de Investigación y Docencia Económicas* ("CIDE") and the *Instituto de Investigaciones Jurídicas—UNAM*, among others. Finalists for the assessment team have been selected and the Program will finalize the assessment team and begin related activities in the coming quarter.

#### ***Curriculum Development and Training***

The topic of curriculum development and planning training workshops will be addressed at the first Working Group session. This quarter, the Program has taken preliminary steps to adapt ABA ROLI's workshop materials from other countries to the Mexican context, in addition to creating new material where appropriate.

The Program made in-person trips to various states during this quarter to raise awareness about planned workshops while reaching out to potential Working Group participants. As a result of these visits, the Program was invited to and attended the inauguration of the new facilities to be used in Mexicali, Baja California, as part of the implementation of the accusatorial system which entered into effect on August 11, 2010. On September 24, the Program also attended a preliminary meeting for the creation of the Chihuahua Chapter of the *Barra Mexicana, Colegio de Abogados*, where possible training collaboration was discussed.

Additionally, a request has already been received from the largest bar association in Baja California, *La Federación Estatal de Colegios, Barras y Asociaciones de Abogados de Baja California*, to conduct workshops in November 2010. The Program is in the process of considering how to best address this specific request, which may entail a first pilot exercise in providing materials and trainers, but not necessarily in assuming the overall responsibility of the workshop.

Finally, it is important to note that the Program met with USAID's lead rule of law implementer, Management Systems International ("MSI"), to coordinate efforts in order to minimize the duplication of efforts. Moreover, at USAID's request, the Program has held initial talks with MSI in order to take advantage of lessons learned in other rule of law activities and develop a standardized workshop methodology for Mexico.

### ***Study Tour***

Contacts made with bar associations listed above have included discussions regarding the study tour. The Working Group's first meeting will also address this topic during the next quarter.

### **Support for Law Schools**

#### ***Legal Education Reform Index***

As with the LPRI, preliminary arrangements are also underway in the implementation of the *Legal Education Reform Index* ("LERI"). The Program has actively recruited various candidates from highly respected Mexican institutions which are involved in legal education reform efforts and capable of adapting the Program's research tools to the Mexican context, including the *Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho* ("CEEAD"). The Program expects to finalize the assessment teams and begin related activities in the coming quarter.

#### ***Curriculum Development and Training***

The topic of planning training workshops in legal education reform will also be addressed at the first Working Group session. As is the case for legal profession training, the Program has already taken preliminary steps to adapt ABA ROLI's workshop materials from other countries to the Mexican context, in addition to creating new material where appropriate.

Moreover, the same contacts made with USAID partners to coordinate on issues pertaining to legal profession training also apply to legal education workshops. Here, relationships with USAID's contractor, MSI, will be critical to help inform the Program's approach, avoid duplication and work towards a standardized workshop methodology in Mexico.

### ***Study Tour***

Contacts made with bar associations listed above have included discussions regarding the study tour. The Working Group's first meeting will also address this topic in the coming quarter.



## **Judicial Exchanges**

### ***Professional Peer Exchanges***

During the current quarter steps to implement Judicial Exchanges have been carried out in close coordination with the International Judicial Relations Committee, Judicial Conference of the U.S. To this end, the Program held meetings with Judges Charles R. Simpson, III and Diarmuid F. O'Scannlain, as well as with Ms. Wanda Rubianes-Collazo, Supervisory Attorney Advisor, International Staff, Article III Judges Division, Administrative Office of the United States Courts. Activities have been coordinated primarily with relevant federal and state judiciary councils in Mexico. As per USAID's request of October 15, 2010, all future activities will be directed exclusively towards Mexican state judges.

As is the case with the Program's first component, here coordination with MSI will be critical to avoid the duplication of resources and efforts and promote synergy.

### ***Sister Courthouses***

During the current quarter preparations were made for the October 5, 2010 pilot "Sister Courthouse" visit in San Diego. Fourteen Mexican federal Judges, based in nearby Tijuana and Ensenada, will travel to San Diego to attend a number of criminal court hearings and meet with various U.S. federal and state judges, led by the Honorable M. Margaret McKeown, Judge for the Ninth Circuit Court of Appeals, and Chair of the ABA ROLI LAC Council. The Mexican delegation will be accompanied by representatives of the American Citizens Services division of the U.S. Consulate in Tijuana.

During the current quarter, initial contacts were also made with a number of Mexican judges, both federal and state, to gauge their interest in participating in a study tour to the U.S. or other countries where the adversarial system is deeply rooted (most notably, Chile and Colombia). The purpose of such a tour will be to allow participants to gain first-hand, in-person experience of the everyday management of a court under this legal system.

### ***Follow-on Subgrant(s)***

No activities were conducted this quarter. The subgrant(s) progress will closely follow the progress in the Sister Courthouse program and study tour. Activity will be developed in conjunction with the Working Group and relevant State Judiciary Councils so as to promote continuity and sustainability.